

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

400J0706

SENATE BILL NO. 203

Introduced by: The Committee on Appropriations at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to make appropriations from the water and environment
2 fund, the environment and natural resources fee fund, the water pollution control revolving
3 fund subfund, and the drinking water revolving fund subfund, and to declare an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That section 4 of chapter 230 of the 2003 Session Laws be repealed.

6 ~~—Section 4. There is hereby appropriated from the South Dakota water and environment fund~~
7 ~~established pursuant to § 46A-1-60, the sum of four hundred fifty thousand dollars (\$450,000),~~
8 ~~or so much thereof as may be necessary, to the South Dakota Conservancy District for the~~
9 ~~purpose of providing a grant to the local project sponsors to be used for the preparation of the~~
10 ~~Big Sioux flood control study general reevaluation report and supplemental environmental~~
11 ~~impact statement. Funds shall be provided according to the terms and conditions established by~~
12 ~~the Board of Water and Natural Resources.~~

13 Section 2. There is hereby appropriated from the South Dakota water and environment fund
14 established pursuant to § 46A-1-60, the sum of four million five hundred thousand dollars
15 (\$4,500,000), or so much thereof as may be necessary, to the South Dakota Board of Water and
16 Natural Resources for the purpose of providing grants and loans to project sponsors under the



consolidated water facilities construction program established pursuant to § 46A-1-63.1. Funds shall be provided according to terms and conditions established by the Board of Water and Natural Resources.

Section 3. There is hereby appropriated from the South Dakota water and environment fund established pursuant to § 46A-1-60, the sum of two million five hundred thousand dollars (\$2,500,000), or so much thereof as may be necessary, to the South Dakota Board of Water and Natural Resources for the purpose of providing a grant to local project sponsors for the engineering design, preconstruction activities, and construction of the Lewis and Clark rural water system as authorized in § 46A-1-13.10. Funds shall be provided according to terms and conditions established by the Board of Water and Natural Resources.

Section 4. That § 46A-1-2.1 be amended to read as follows:

46A-1-2.1. The Legislature finds that the following water resources projects are necessary for the general welfare of the people of the State of South Dakota and authorizes the projects pursuant to § 46A-1-2 to be included in the state water resources management system to serve as the preferred, priority objectives of the state: Bad River watershed project, Big Sioux flood control study, Black Hills hydrology and water management study, Brennan reservoir, Cendak irrigation project, Gregory County pumped storage site, James River improvement program, Lake Andes-Wagner/Marty II irrigation unit, Lewis and Clark rural water system, Mni Wiconi rural water system, Perkins County rural water system, Pick-Sloan riverside irrigation, Sioux Falls flood control project, Slip-Up Creek, and Vermillion basin flood control project.

Section 5. That § 46A-1-94 be amended to read as follows:

46A-1-94. Pursuant to §§ 46A-1-11 to 46A-1-13, inclusive, construction of ~~an eighteen a~~ twenty-seven million nine hundred ninety-nine thousand two hundred fifty dollar Perkins County Rural Water System as generally described in the report "~~Feasibility Study for Rural~~

1 ~~Water System, Final Engineering Report~~, for Perkins County Rural Water System Inc., Bison,
2 South Dakota," dated ~~May 1994~~ January 2003, is hereby authorized for the purpose of providing
3 safe and adequate municipal, rural, and industrial water supplies in Perkins County.

4 The Legislature finds that it is in the best interest of the Perkins County rural water system
5 to provide a portion of the nonfederal matching requirements as enumerated in P.L. 106-136 as
6 amended to January 1, 2004, through the state water resources management system revolving
7 loan program. The Board of Water and Natural Resources may provide loans under the state
8 water resources management system revolving loan program in amounts not to exceed a total
9 of four million five hundred thousand dollars to the Perkins County rural water system to
10 provide a portion of the nonfederal matching requirements as enumerated in P.L. 106-136 as
11 amended to January 1, 2004. No disbursements may be made under the loans authorized by this
12 section unless funds are appropriated by the Legislature in conformance with § 46A-1-61.

13 Notwithstanding the provisions of § 46A-1-66, no interest may accrue until the Board of
14 Water and Natural Resources certifies the completion of the construction of the project as
15 authorized. The initial loan repayment shall be due and payable one year following the
16 certification of construction completion. Loan terms and conditions shall be set by the Board
17 of Water and Natural Resources.

18 The Board of Water and Natural Resources may provide grants in amounts not to exceed ~~one~~
19 ~~million~~ two million five hundred thousand dollars, or so much thereof as may be necessary, to
20 the Perkins County Rural Water System project to provide the State of South Dakota's portion
21 of the nonfederal matching requirements for the project. No disbursements may be made under
22 the grant authorized by this section unless funds are appropriated by the Legislature in
23 conformance with § 46A-1-61.

24 The loan and grant authorized by this section may be increased or decreased by such

1 amounts as may be justified by reason of ordinary fluctuations in development costs incurred
2 after January 1, 2001, as indicated by engineering costs indices applicable for the type of
3 construction involved.

4 Section 6. There is hereby appropriated from the South Dakota water and environment fund
5 established pursuant to § 46A-1-60, the sum of one million two hundred fifty thousand dollars
6 (\$1,250,000), or so much thereof as may be necessary, to provide funds to the South Dakota
7 Board of Water and Natural Resources for the purpose of providing a loan to the project
8 sponsors to be used for the engineering design, preconstruction activities, and construction of
9 the facilities included in the Perkins County rural water system as authorized in § 46A-1-94.
10 Funds shall be used by the project sponsors for activities that qualify as nonfederal matching
11 requirements as enumerated in P.L. 106-136 as amended to January 1, 2004. Funds shall be
12 provided according to terms and conditions established by the Board of Water and Natural
13 Resources.

14 Section 7. There is hereby appropriated from the South Dakota water and environment fund
15 established pursuant to § 46A-1-60, the sum of two hundred fifty thousand dollars (\$250,000),
16 or so much thereof as may be necessary, to the South Dakota Board of Water and Natural
17 Resources for the purpose of providing a grant to the project sponsors to be used for a feasibility
18 phase study and other activities of the James River restoration project as authorized in
19 § 46A-1-13.9. Funds shall be provided according to terms and conditions established by the
20 Board of Water and Natural Resources.

21 Section 8. There is hereby appropriated from the South Dakota water and environment fund
22 established pursuant to § 46A-1-60, the sum of one hundred thousand dollars (\$100,000), or so
23 much thereof as may be necessary, to the South Dakota Board of Water and Natural Resources
24 for the purpose of providing grants to local project sponsors to be used for the development,

1 evaluation, and review of water management studies related to the development of regional
2 water supply systems in or near the Black Hills of South Dakota as authorized in § 46A-1-13.8.
3 Funds shall be provided according to terms and conditions established by the Board of Water
4 and Natural Resources.

5 Section 9. There is hereby appropriated from the South Dakota water and environment fund
6 established pursuant to § 46A-1-60, the sum of eight hundred thousand dollars (\$800,000), or
7 so much thereof that may be necessary, to the South Dakota Board of Water and Natural
8 Resources for the purpose of providing grants and loans to project sponsors under the solid
9 waste management program established pursuant to § 46A-1-83. Funds shall be provided
10 according to the terms and conditions established by the Board of Water and Natural Resources.

11 Section 10. Notwithstanding § 34A-6-85, there is hereby appropriated from the South
12 Dakota water and environment fund established pursuant to § 46A-1-60, from the fees received
13 pursuant to §§ 34A-6-81 to 34A-6-84, inclusive, the sum of eight hundred thousand dollars
14 (\$800,000), or so much thereof that may be necessary, to the South Dakota Board of Water and
15 Natural Resources for the purpose of providing grants and loans to project sponsors for the
16 construction, enlargement, or upgrade of regional landfills. Funds shall be provided according
17 to the terms and conditions established by the Board of Water and Natural Resources.
18 Notwithstanding § 46A-1-67, the term of years for loans under this section may be extended to
19 the useful life of the facilities being financed.

20 The department may use up to one hundred thousand dollars of the funds appropriated by
21 this section, to contract for the statewide clean up of waste tires and solid waste.
22 Notwithstanding, § 46A-1-61, the department may fund up to one hundred percent of the
23 nonfederal share of statewide waste tires and solid waste cleanup projects.

24 Section 11. There is hereby appropriated from the South Dakota environment and natural

resources fee fund established pursuant to § 1-40-30, the sum of one hundred thousand dollars (\$100,000), to the Department of Environment and Natural Resources for the determination of selected total maximum daily load limits as required pursuant to the 1998 and 2002 South Dakota 303(d) waterbody lists developed pursuant to the federal Clean Water Act § 303(d) as amended to January 1, 2004. Any funds appropriated by this section that are not expended for the authorized purpose shall be deposited in the South Dakota water and environment fund established pursuant to § 46A-1-60.

Section 12. There is hereby appropriated from administrative expense surcharge fees deposited in the South Dakota state water pollution control revolving fund program subfund established pursuant to § 46A-1-60.1, the sum of six hundred fifty-five thousand dollars (\$655,000), or so much thereof as may be necessary, to the South Dakota Board of Water and Natural Resources for the purpose of providing water quality grants to project sponsors under the state water pollution control revolving fund program established pursuant to § 46A-1-60.1. Funds shall be provided according to terms and conditions established by the Board of Water and Natural Resources.

Section 13. There is hereby appropriated from federal capitalization grant funds received into the South Dakota state drinking water state revolving fund program subfund established pursuant to § 46A-1-60.1, the sum of one hundred sixty thousand dollars (\$160,000), or so much thereof as may be necessary, to the South Dakota Board of Water and Natural Resources for the purpose of providing small community planning grants to project sponsors under the state drinking water revolving fund program established pursuant to § 46A-1-60.1. Funds shall be provided according to terms and conditions established by the Board of Water and Natural Resources.

Section 14. Whereas, this Act is necessary for the support of the state government and its

- 1 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
- 2 full force and effect from and after its passage and approval.